

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, January 23, 2024

Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

CONVENE MEETING

At 6:35 p.m., Mayor Jones convened the meeting.

ROLL CALL PRESENT: (7) Council Members O’Neill, Tran, DoVinh,
Klopfenstein, Nguyen-Penaloza, Mayor Pro
Tem Brietigam, Mayor Jones

ABSENT: (0) None

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COMMUNITY SPOTLIGHT IN RECOGNITION OF GOODWILL AMBASSADORS
REPRESENTING ANYANG, REPUBLIC OF KOREA, AS PART OF THE 35TH ANNUAL
GARDEN GROVE SISTER CITY EXCHANGE PROGRAM (F: 83.1-2024)

UPDATE FROM THE ASSOCIATION OF CALIFORNIA CITIES – ORANGE COUNTY
(ACC-OC) (F: 74.11B)

Kris Murray, Executive Director of ACC-OC, provided an update and PowerPoint presentation detailing the role of ACC-OC connecting member agencies including public agencies, businesses, non-profits, and higher education institutions for the purpose of collaborating and developing policies specific to Orange County.

REPORT FROM GROUNDSWELL FORMERLY KNOWN AS THE OC HUMAN RELATIONS
COMMISSION AS PRESENTED BY CHRISTIAN LOPEZ (F: 23.17)

Christian Lopez, Secretary of the non-profit, GROUNDSWELL, provided an update and certificate to the City Council recognizing the City of Garden Grove’s efforts to eliminate intolerance and to embrace diversity.

ORAL COMMUNICATIONS

Speakers: Nicholas Dibs, Hung Nguyen, Maureen Blackmun, and Kurt.

Written Communications: Hung Nguyen

RECESS

At 7:22 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:35 p.m., Mayor Jones reconvened the meeting with all City Council Members present.

ADOPTION OF A PROCLAMATION IN CELEBRATION OF THE UPCOMING LUNAR NEW YEAR COMMENCING SATURDAY, FEBRUARY 10, 2024 (F: 83.1-2024)

It was moved by Council Member Brietigam, seconded by Council Member DoVinh that:

A Proclamation be adopted in celebration of the upcoming Lunar New Year commencing Saturday, February 10, 2024.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones
Noes: (0) None

CONSIDERATION OF FINAL PARCEL MAP NO. PM 2022-167 FOR THE PROPERTY LOCATED AT 7390 AND 7440 LINCOLN WAY, GARDEN GROVE (F: 118.1)

It was moved by Council Member Brietigam, seconded by Council Member DoVinh that:

Final Parcel Map No. PM-2022-167 for the property located at 7390 and 7440 Lincoln Way, Garden Grove, be approved.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones
Noes: (0) None

CONSIDERATION OF FINAL PARCEL MAP NO. PM 2021-112 FOR THE PROPERTY LOCATED AT 9801 AND 9811 BEVERLY LANE, GARDEN GROVE (F: 118.1)

It was moved by Council Member Brietigam, seconded by Council Member DoVinh that:

Final Parcel Map No. PM-2021-112 for the property located at 9801 and 9811 Beverly Lane, Garden Grove, be approved.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones
Noes: (0) None

RECEIVE AND FILE THE HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2022-23 (JOINT ACTION WITH THE GARDEN GROVE HOUSING AUTHORITY (F: 128.1)

CITY COUNCIL ACTION

It was moved by Council Member Brietigam, seconded by Council Member DoVinh that:

The Housing Authority Annual Report as Housing Authority and as Housing Successor for Fiscal Year 2022-23, be received and filed.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones
Noes: (0) None

HOUSING AUTHORITY ACTION

It was moved by Commissioner Jones, seconded by Commissioner O'Neill that:

The Housing Authority Annual Report as Housing Authority and as Housing Successor for Fiscal Year 2022-23, be received and filed.

The motion carried by an 8-0-1 vote as follows:

Ayes: (8) DoVinh, Jones, Klopfenstein, T. Nguyen,
O'Neill, Tran, Brietigam, Nguyen-Penaloza
Noes: (0) None
Absent: (1) Beckles

APPROVAL OF AN AGREEMENT WITH HORIZON UNDERGROUND, INC., TO PROVIDE ON-CALL SAW CUTTING SERVICES FOR WATER AND SEWER PROJECTS (F: 55-HORIZON UNDERGROUND, INC.)

It was moved by Council Member Brietigam, seconded by Council Member DoVinh that:

The agreement with Horizon Underground, Inc., for on-call saw cutting services for water and sewer projects in the amount not to exceed \$190,000 per fiscal year with an annual option to extend the terms, for a total of five (5) fiscal years, be approved; and

The City Manager be authorized to execute the agreement on behalf of the City and make minor modifications as appropriate thereto.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones
Noes: (0) None

APPROVAL OF A COST SHARING AGREEMENT WITH THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY FOR ASSISTANCE WITH FEDERAL AND STATE COMPLIANCE TO DEVELOP A WATER SERVICE LINE INVENTORY (F: 55-MUNICIPAL WATER DISTRICT OF ORANGE COUNTY)

It was moved by Council Member Brietigam, seconded by Council Member DoVinh that:

The agreement with the Municipal Water District of Orange County to assist the City in developing a water service line inventory to comply with federal and state regulations, in the amount not to exceed \$235,580, be approved; and

The City Manager be authorized to execute the agreement on behalf of the City and to make minor modifications deemed appropriate.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones
Noes: (0) None

WARRANTS

It was moved by Council Member Brietigam, seconded by Council Member DoVinh that:

Demands covered by EFT numbers 00032364 through 00033008 and check numbers 00185623 through 00185633 inclusive as listed and have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed;

Demands covered by EFT numbers 00033009 through 00033650 and check numbers 00185634 through 00185641 inclusive as listed and have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed; and

Demands covered by EFT numbers 00033651 through 00034284 and check numbers 00185642 through 00185647 inclusive as listed and have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed.

The motion carried by a 7-0 vote as follows:

- Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein, Nguyen-Penaloza, Tran, Jones
- Noes: (0) None

APPROVAL TO WAIVE FULL READING OF ORDINANCES LISTED

It was moved by Council Member Brietigam, seconded by Council Member DoVinh that:

Full reading of ordinances listed be waived.

The motion carried by a 7-0 vote as follows:

- Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein, Nguyen-Penaloza, Tran, Jones
- Noes: (0) None

PUBLIC HEARING – ADOPTION OF URGENCY ORDINANCE NO. 2950, EXTENDING URGENCY ORDINANCE NO. 2949 IMPOSING A MORATORIUM ON THE APPROVAL OF SUBSTANCE ABUSE TREATMENT CENTERS PURSUANT TO GOVERNMENT CODE SECTION 65858 (F: 112.1)

(It was moved earlier in the meeting by Council Member Brietigam, seconded by Council Member DoVinh and approved unanimously that full reading of the ordinances listed be waived.)

Following the introduction by City Attorney Sandoval, Mayor Jones declared the public hearing open.

Speakers: Paul Simons, Diana Wydo, Daniel Hymus, Marina Sanchez, Tom Windhausen, Nicholas Dibs, Maureen Blackmun.

With no further testimony from the audience, Mayor Jones closed the public hearing.

Following City Council discussion, it was moved by Council Member O’Neill, seconded by Council Member Brietigam that:

Urgency Ordinance No. 2950, entitled: An Urgency Interim Ordinance of the City Council of the City of Garden Grove authorizing a 10 month and 15 day extension of Urgency Ordinance No. 2949 imposing a moratorium on the approval of substance abuse treatment centers pursuant to California Government Code Section 65858, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O’Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones

Noes: (0) None

AWARD A CONTRACT TO WILLDAN ENGINEERING TO PROVIDE CONSULTANT ENGINEERING SERVICES (F: 55-WILLDAN ENGINEERING)

Following staff introduction, it was moved by Council Member Brietigam, seconded by Council Member O’Neill that:

A contract be awarded to Willdan Engineering, in the amount not to exceed \$300,000 for consultant engineering services to augment engineering staffing needs until the permanent Associate Engineer position has been filled; and

The City Manager be authorized to execute the contract and make minor modifications as appropriate on behalf of the City.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones
Noes: (0) None

AUTHORIZATION OF THE ISSUANCE OF A PURCHASE ORDER TO SUNROAD AUTO LLC DBA KEARNY MESA FORD FOR THE PURCHASE OF 15 POLICE PATROL VEHICLES

Following staff introduction, it was moved by Council Member Brietigam, seconded by Council Member Klopfenstein that:

The Finance Director be authorized to issue a purchase order in the amount of \$813,766.20 to Sunroad Auto LLC dba Kearny Mesa Ford for the purchase of 15 Police patrol vehicles.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones
Noes: (0) None

FIRST READING OF AN ORDINANCE TO UPDATE THE GARDEN GROVE HOUSING AUTHORITY COMPOSITION AND TENANT COMMISSIONERS APPOINTMENTS

(F: 122.1)

(It was moved earlier in the meeting by Council Member Brietigam, seconded by Council Member DoVinh and approved unanimously that full reading of the ordinances listed be waived.)

Following introduction by City Attorney Sandoval, it was moved by Council Member O'Neill, seconded by Council Member Nguyen-Penaloza that:

Ordinance No. 2951 entitled: An Ordinance of the City Council of the City of Garden Grove amending Section 2.56.030 of Chapter 2.56 of Title 2 of the Garden Grove Municipal Code pertaining to the composition and appointment of tenant commissioners to the Garden Grove Housing Authority be moved to second reading.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penaloza, Tran, Jones
Noes: (0) None

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

DISCUSSION ON A PROPOSED TEMPORARY REGIONAL K9 SUPPORT TRAINING FACILITY AT PIONEER PARK AS REQUESTED BY THE CITY COUNCIL (F: 73.18) (F: 82.1C)

Following City Council discussion it was moved by Council Member Klopfenstein, seconded by Council Member Nguyen-Penalosa that:

Staff be directed to conduct a feasibility study for establishing a Police K9 Training Facility Program at Pioneer Park; and

Staff be directed to follow up at a future City Council meeting to report on the findings.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, DoVinh, Klopfenstein,
Nguyen-Penalosa, Tran, Jones
Noes: (0) None

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER
(Continued)

Council Member Brietigam thanked Council Member Nguyen-Penalosa for bringing the idea of community clean-up days forward and he announced the first Bulky Item Clean-up Day in 2024 will be on January 27, 2024, between 9:00 a.m. through 11:00 a.m. at Pacifica High School.

Council Member O'Neill announced that following the Clean-Up Day on Saturday, there will be one in District 2 at Skylark Elementary School on March 16, 2024; and he encouraged residents to check the city's website on the community clean up schedule.

Mayor Pro Tem Tran wished everyone a Happy Lunar New Year and announced the upcoming Flower Street Event on historic Main Street that will be held on February 10th and 11th and will feature artwork, lion dances, live musical performances, flower fashion show, games, and vendors; and the Tet Festival hosted by the VAUSA will be held at the OC Fairgrounds on February 9-11, 2024, and will include a variety of multicultural activities, and she will be coordinating with students at this event. She attended the Memorial Service for Mary Selz, founder of Thomas House, and expressed her admiration for Mary Selz who helped many less fortunate people by providing resources to become more independent. And, she gave a shout-out to the VAUSA who gathered hundreds of donations for people to enjoy the upcoming Tet Festival. She stated that she attended the Library Advisory Committee meeting where discussion was held regarding the Latinx Spanish Heritage Month and indicated that she puts thought into the kinds of cultural events that could be celebrated in Garden Grove.

Council Member DoVinh congratulated Council Member Brietigam on his retirement after serving LAPD for 38 years. He noted the recent clean up and fencing of the property on Brookhurst Street, formerly the Marie Calendar's Restaurant; however, there is still some fencing that is open. As this is private property, it is the property owner's responsibility for clearing and fencing. In response to the representatives from Acadia Healthcare who spoke during the public hearing that was held tonight on the urgency ordinance to impose a moratorium on substance abuse treatment centers, he stressed the importance that the City Council be provided with comprehensive and timely information on this subject. He wished everyone a Happy Lunar New Year and is looking forward to the Tet parade in Westminster.

Council Member Klopfenstein noted that several years ago her grandmother, who was born in Garden Grove, passed away and today would have been her 100th birthday. She commented on the number of people who were an integral part of Garden Grove have passed away in the last few years, including Mr. Ric Lerma who will have passed a year ago this Thursday. To honor Mr. Lerma's memory and acknowledge everything he gave back, there will be a community blood drive held in his honor on Tuesday, February 13, 2024, from 11:30 a.m. to 6:00 p.m. at the Community Meeting Center.

Council Member Nguyen-Penalosa wished everyone a Happy Lunar New Year, and she wished Council Member DoVinh a belated happy birthday.

City Manager Kim announced the upcoming Garden Grove Chamber of Commerce Joint Mixer on Wednesday, January 24, 2024, from 5:30 p.m. – 7:30 p.m. at the Garden Grove Elks Lodge at 11551 Trask Avenue. She credited the Chamber CEO Claudette Baldemor with working towards promoting business in Garden Grove. She announced that there will be a community engagement meeting hosted by the Garden Grove Police Department and the neighbors at Pioneer Park at 6:00 p.m. to 7:00 p.m. on Thursday, January 25, 2024.

Mayor Jones stated that tonight's meeting will be adjourned in memory of Pam Macneil, a dedicated volunteer, a long time board member of the Garden Grove Chamber of Commerce and Chair of the Women's Division Committee.

RECESS

At 8:50 p.m., Mayor Jones recessed the regular meeting to convene closed session to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1): Marine Perez, et al. vs. City of Garden Grove, et al., OCSC Case No. 30-2022-01281816

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1): Johnson v. City of Grants Pass, USCA (9th Cir.) Case Nos. 20-35752 & 20-35881

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: Nicholas Dibs

ADJOURN CLOSED SESSION

At 9:02 p.m., Mayor Jones adjourned closed session and reconvened the regular meeting with all City Council Members present.

City Attorney Sandoval announced that there was no reportable action taken by the City Council on the existing litigation concerning Marine Perez, et al. vs. City of Garden Grove; and that the City Council unanimously authorized the City Attorney to join in litigation as an amicus participant with other cities in support of the City of Grants Pass, Oregon, in the United States Supreme Court review of the 9th Circuit decision in Johnson v. City of Grants Pass.

ADJOURNMENT

At 9:03 p.m., Mayor Jones adjourned the meeting in memory of Pam Macneil. The next Regular City Council Meeting is scheduled on Tuesday, February 13, 2024, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy
City Clerk